

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Mikko Makipaa et al.

Serial 10/092,261

No.:

Filed: March 7, 2002

For: Creating A Screen Saver From
Downloadable Application On
Mobile Devices

Atty. Docket No.: 004770.00042

Group Art Unit: 2173

Examiner: Dennis G.
Bonshock

Confirmation 9273
No.:

APPEAL BRIEF

Commissioner for Patents
Mail Stop AMENDMENT
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Sir:

Following is Appellant's Brief on Appeal. The specific information required by
Section 41.37 is specified herein.

Real Party Interest

The real party in interest is Nokia Corporation, a corporation of Finland.

Related Appeals and Interferences

A Notice of Appeal was filed in the present application on July 28, 2006, but an RCE was subsequently filed and that appeal did not proceed. An earlier Notice of Appeal was filed in March 2005, and an Appeal Brief filed, but prosecution was subsequently reopened and that Appeal did not proceed either. No other related appeals or interferences are known.

Status of Claims

Claims 5, 6, 8-11, 17, 18, 20-28, and 35-37 are pending and stand as rejected. These claims are appealed. Claims 1-4, 7, 12-16, 19, 29-34, and 38-39 have been canceled.

Status of Amendments

Applicants submitted a first amendment after final on March 20, 2008, but this amendment was not entered by the Examiner. *See* the Advisory Action dated April 16, 2008. Subsequently, applicants filed an amendment after final on June 6, 2008, and this amendment was entered by the Examiner (*See* the Advisory Action dated July 28, 2008).

Summary of Claimed Subject Matter

The independent claims of the present application are 8, 20, and 24. These claims, and the summary thereof, are set forth below.

Generally, the claimed subject matter pertains to screen saver technology, and, in some embodiments, to screen saver technology useful in connection with mobile devices such as cellular telephones. As specified in claim 8, an application program can be run in a full application mode and a screen saver mode. The application may be executed via one of plural "handles," the handles having different execution parameters.

Claim 8

8. (Previously Presented) An apparatus comprising
a storage medium (*see, e.g.* page 2, line 20);
a carousel stored in the storage medium (*see, e.g.* page 2, line 20) ; said
carousel including plural application handles (*see, e.g.* page 3, line3) ; and
a processor coupled to the storage medium (*see, e.g.* page 6, line 9) said processor
configured to monitor the apparatus for detecting inputs from a command entry device,
to determine whether a timeout period of activity from the inputs has been exceeded
(*see, e.g.* page 2, lines 26-27), to start a screen saver program when said timeout period of
activity has been exceeded (*see, e.g.* page 2, lines 26-27), and to execute an application via
one of said handles, the application being an independent program from said screen
saver program and operable in a full application mode and a screen saver mode (*see, e.g.*
page 6, lines 27-28, the application being fully functional in said full application mode
and less than fully functional in said screen saver mode (*see e.g.* page 7, lines 11-12), the
application creating an image for presentation on a display screen in said screen saver
mode (*see, e.g.* page 2, line 29 – page 3, line 2), wherein the carousel comprises a database
stored in the storage medium (*see, e.g.* page 3, line 10) containing the application handle
and rules for selecting the application handle (*see, e.g.* page 3, line 11) ;
wherein the database further contains application execution parameters
associated with the handle, wherein the application is executed in the screen saver mode

according to the parameters associated with the handle selected for executing the application (*see, e.g.* page 3, lines 3-15);

wherein the application additionally has another handle comprising different execution parameters (*see, e.g.* page 3, lines 4-6).

Claim 20

20. (Previously Presented) A wireless communication device (*see, e.g.* Fig. 1), comprising:

a receiver (*see, e.g.* page 6, lines 3-4, Fig. 1);

a memory storing data (*see, e.g.* page 6, line 5) ;

a display screen (*see, e.g.* page 6, line 5) ;

at least one application stored in the memory (*see, e.g.* page 6, line 4)

having at least one handle executing the at least one application in a screen saver mode when the at least one handle is selected (*see, e.g.* page 3, line 3), the at least one handle being contained in a carousel (*see, e.g.* page 2, line 20), the at least one application creating images for presentation on the display screen in the screen saver mode (*see, e.g.* page 2, line 29 – page 3, line 2) , the at least one application being fully functional in a full application mode and less than fully functional in a screen saver mode (*see, e.g.* page 7, lines 11-12); and

a screen saver program stored in the memory (*see, e.g.* page 2, lines 26-27) that, during operation of the screen saver program, selects the at least one application handle, the screen saver program being an independent program from the at least one application (*see, e.g.* page 6, lines 27-28) ,

wherein the carousel comprises a database stored in the memory (*see, e.g.* page 3, line 10) containing the at least one application handle and rules for selecting the at least one application handle (*see, e.g.* page 3, line 11) ;

wherein the database further contains application execution parameters associated with the at least one handle, wherein the at least one application is executed in a screen saver mode according to the parameters associated with the at least one handle selected for executing the at least one application (*see, e.g.* page 3, lines 3-15), wherein the at least one application additionally has another handle associated with the

at least one application, the another handle comprising different execution parameters (*see, e.g.* page 3, line 46)..

Claim 24

24. (Previously Presented) A method comprising:

in a device comprising a display screen (*see, e.g.* page 6, line 9), a storage medium (*see, e.g.* page 6, line 9) , a screen saver computer program stored in the storage medium (*see, e.g.* page 2, line 29 – page 3 lines 1-2), a screen saver carousel stored in the storage medium (*see, e.g.* page 2, line 20), and an application stored in the storage medium (*see, e.g.* page 6, line 4), the application being a program that is independent from the screen saver program (*see, e.g.* page 6, lines 27-28), said carousel including plural application handles (*see, e.g.* page 3, line 3), starting the screen saver program in response to exceeding a timeout period of inactivity (*see, e.g.* page 2, lines 26-27); and

selecting an application handle via the screen saver program to execute the application associated with the selected handle in a screen saver mode (*see, e.g.* page 3, lines 3-15), the application being fully functional in a full application mode and less than fully functional in said screen saver mode, (*see, e.g.* page 7, lines 11-12),

wherein the carousel comprises a database stored in the storage medium containing the application handle and rules for selecting the application handle (*see, e.g.* page 3, lines 10-11),

wherein the database further contains application execution parameters associated with the handle, wherein the application is executed in the screen saver mode according to the parameters associated with the handle selected for executing the application (*see, e.g.* page 3, lines 13-15),

wherein the application additionally has another handle comprising different execution parameters (*see, e.g.* page 4, lines 4-6).

Ground of Rejection to be Reviewed on Appeal

The Office Action contains a sole ground of rejection. All of the then-pending claims were rejected under 35 USC § 103 as being unpatentable over a combination of three references, Serandom, Drempeles, and King et al.

Applicants have canceled many of the previously pending claims, but the remaining claims in the application still stand as rejected on this ground.

Argument

Generally speaking, the invention is directed towards screen saver technology and, in some embodiments, towards screensaver technology useful in connection with mobile devices such as cellular telephones. The claimed subject matter variously encompasses an apparatus (Claim 8), a wireless communication device such as a cellular telephone (Claim 20), and a method useful in connection with such a device (Claim 24).

As specified in Claim 8, for instance, the apparatus includes a storage medium and a carousel stored in the storage medium. The apparatus further includes a processor that is coupled to the storage medium. That processor is configured to start a screensaver program when a timeout period of activity has been exceeded.

As specified in Claim 8, the carousel includes plural application handles. The processor is configured to execute an application via one of the handles, and the application is independent from the screensaver program. In accordance with the claimed subject matter, the application is operable in a full application mode and a screensaver mode, the application being fully functional in the full application and less than fully functional in the screensaver mode.

Thus, for example, the application may be a web browser. The browser may be operable in a full application mode where all of the functionality of the web browser is available to the user. Alternatively, the browser may be operated in a screensaver mode in which less than all of the functionality of the web browser is accessible. In the embodiment discussed in paragraph 37, and illustrated in Fig. 9, the application is operating in a screensaver mode but a user may push a button on the keypad to cause the application to be executed in full application mode.

Claim 8 further specifies that the carousel includes a database that contains execution parameters associated with the handle, wherein the application is executed in a screensaver mode according to the parameters associated with the handle selected for executing the application and when the application additionally has another handle that comprises different execution parameters. The Examiner contends that this feature of claim 8 is found in or suggested by the cited art, but the Examiner is mistaken.

The cited art does not disclose or suggest the subject matter of this claim. The Drepmpels and Serandom references are cited generally for their disclosure of screensaver technology. The Examiner acknowledges that Serandom and Drepmpels do not teach a screensaver with plural modes of operation (*see* Final Office Action, page 4). For this, the Examiner purports to rely on the King publication. In rejecting Claim 8, the Examiner argues that “King further teaches, in paragraph 35, the application working with plurality of different applications intertwined with the screensaver application.”

This disclosure in King is insufficient to constitute a disclosure of the relevant feature of Claim 8, specifically, the language in Claim 8 that specifies that the carousel includes plural application handles and wherein the application has “another handle comprising different execution parameters.” The King reference is purportedly concerned with a method for enabling the selection of a picture file on a cellular telephone. Paragraph 35 of King discusses “information display areas 510 and 512.” As explained in King, these display areas could include “relevant information associated with the content of the picture files.” According to King, the information display area 510 could include, for instance, weather information location of the content of the picture file, while information display area 512 could include a banner advertisement that is relevant to the content or the location of the picture file. This does not constitute teachings of an application with an additional handle that comprises different execution parameters. The Examiner is attempting to map the elements of Claim 8 onto the plural displays of the King reference, but King does not disclose a second application handle with different execution parameters. King is simply inapposite.

The Examiner may be confusing King’s disclosure of plural *applications* with the present notion of a single application with plural *handles* with different execution parameters. In King, the display of weather information and a banner advertisement does not constitute plural handles with different execution parameters for a single application. Also, the claims specify that the handles are disposed in a “carousel.” This carousel is not found in the King reference but is purportedly found in the Serandom reference. The Examiner’s attempt to map the elements of the claim onto the King reference would be attenuated at best even if King did disclose a carousel. But because King fails to disclose a second application handle with different execution parameters,

and because this feature of the claimed invention likewise is not found in the other art of record, the Section 103 rejection is in error and must be withdrawn.

In the most recently filed amendment, these arguments were presented to the Examiner. The Examiner's response was to point out that "King discloses in paragraph 33, that 'an application icon could reside on the desktop to access a program implementing the methods of the present disclosure' showing a single program." This argument makes no sense. King indeed makes reference to "an application," but does not disclose that this application has plural application handles each with different execution parameters being called by a screen saver.

The Examiner further asserted that the claims "do not state 'a single application with plural handles' as is argued." Again, the Examiner is incorrect. In fact, as specified in Claim 8, the processor is configured "to execute an application via one of said handles [contained in the carousel]," and "wherein the application additionally has another handle comprising different execution parameters." Thus, the Examiner has not only misinterpreted the King reference, he has failed to correctly comprehend the scope of Claim 8.

Claims 20 and 24, while not commensurate in scope with Claim 8, similarly recite the notion of a carousel, execution of an application in accordance with parameters associated with at least one handle, and the application having another handle with different execution parameters. Again, the Examiner has appeared to expressly concede that these elements are not found in the Serandom or Drempels references, and the Examiner is mistaken or factually and legally as to whether these elements are found in the King reference.

Simply put, the Section 103 rejection is improper and must be withdrawn.

Claims Appendix

An appendix containing a copy of the claims involved in the appeal is attached hereto.

Evidence Appendix

No evidence appendix is attached hereto (but pursuant to the understood procedure of the office, a blank page so indicating is attached hereto).

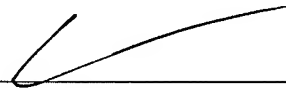
Related Proceedings Appendix

No related proceedings appendix is attached hereto (but pursuant to the understood procedure of the office, a blank page so indicating is attached hereto).

Respectfully submitted,

Dated: August 11, 2008

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Claims Appendix

5. (Previously Presented) The apparatus of claim 8, wherein the rules are definable by a user of the apparatus.

6. (Previously Presented) The apparatus of claim 8, wherein the rules comprise default rules.

8. (Previously Presented) An apparatus comprising
a storage medium;
a carousel stored in the storage medium; said carousel including plural application handles; and
a processor coupled to the storage medium, said processor configured to monitor the apparatus for detecting inputs from a command entry device, to determine whether a timeout period of activity from the inputs has been exceeded, to start a screen saver program when said timeout period of activity has been exceeded, and to execute an application via one of said handles, the application being an independent program from said screen saver program and operable in a full application mode and a screen saver mode, the application being fully functional in said full application mode and less than fully functional in said screen saver mode, the application creating an image for presentation on a display screen in said screen saver mode, wherein the carousel comprises a database stored in the storage medium containing the application handle and rules for selecting the application handle;

wherein the database further contains application execution parameters associated with the handle, wherein the application is executed in the screen saver mode according to the parameters associated with the handle selected for executing the application;

wherein the application additionally has another handle comprising different execution parameters.

9. (Previously Presented) The apparatus of claim 8, wherein the apparatus is configured to communicate with a network and displays current information

generated by the application operating in the screen saver mode based on data received from the network.

10. (Previously Presented) The apparatus of claim 9, wherein images generated by the application for presentation on the display screen in the screen saver mode are continually updated in response to data received from the network.

11. (Previously Presented) The apparatus of claim 8, wherein the processor further is configured to execute at least one additional application in a corresponding screen saver mode, the at least one additional application being a program that is fully functional in a corresponding full application mode and that is less than fully functional in a corresponding screen saver mode, the at least one additional application creating images for presentation on the display screen in the corresponding screen saver mode.

17. (Previously Presented) The wireless communication device of claim 20, wherein the rules are definable by a user of the communication device.

18. (Previously Presented) The wireless communication device of claim 20 wherein the rules comprise default rules.

20. (Previously Presented) A wireless communication device, comprising:
a receiver;
a memory storing data;
a display screen;

at least one application stored in the memory having at least one handle executing the at least one application in a screen saver mode when the at least one handle is selected, the at least one handle being contained in a carousel, the at least one application creating images for presentation on the display screen in the screen saver mode, the at least one application being fully functional in a full application mode and less than fully functional in a screen saver mode; and

a screen saver program stored in the memory that, during operation of the screen saver program, selects the at least one application handle, the screen saver program being an independent program from the at least one application,

wherein the carousel comprises a database stored in the memory containing the at least one application handle and rules for selecting the at least one application handle;

wherein the database further contains application execution parameters associated with the at least one handle, wherein the at least one application is executed in a screen saver mode according to the parameters associated with the at least one handle selected for executing the at least one application, wherein the at least one application additionally has another handle associated with the at least one application, the another handle comprising different execution parameters.

21. (Previously Presented) The wireless communication device of claim 20, wherein the at least one application comprises a network application creating images responsive to data received during operation in the screen saver mode.

22. (Original) The wireless communication device of claim 21, wherein one of the parameters associated with the network application is a uniform resource locator (URL).

23. (Previously Presented) The wireless communication device of claim 20, wherein the at least one application is written in a JAVA programming language.

24. (Previously Presented) A method comprising:

in a device comprising a display screen, a storage medium, a screen saver computer program stored in the storage medium, a screen saver carousel stored in the storage medium, and an application stored in the storage medium, the application being a program that is independent from the screen saver program, said carousel including plural application handles, starting the screen saver program in response to exceeding a timeout period of inactivity; and

selecting an application handle via the screen saver program to execute the application associated with the selected handle in a screen saver mode, the application

being fully functional in a full application mode and less than fully functional in said screen saver mode,

wherein the carousel comprises a database stored in the storage medium containing the application handle and rules for selecting the application handle,

wherein the database further contains application execution parameters associated with the handle, wherein the application is executed in the screen saver mode according to the parameters associated with the handle selected for executing the application,

wherein the application additionally has another handle comprising different execution parameters.

25. (Previously Presented) The method of claim 24, further comprising:

installing the application on the device; and

selecting an option for the application to operate in the screen saver mode.

26. (Previously Presented) The method of claim 24, wherein the application is pre-installed on the device, further comprising:

executing the application in a full application mode on the device; and

selecting an option for installing a screen saver mode for the application to operate in the screen saver mode.

27. (Previously Presented) The method of claim 24, further comprising:

monitoring the device for a timeout signal that the application has exceeded a time period allotted for operation in the screen saver mode; and

in response to detecting the timeout signal, if another application has been configured to operate in a screen saver mode, executing another application in a screen saver mode associated with the another application.

28. (Previously Presented) The method of claim 24, further comprising the steps of:

monitoring the device for an input signal from a command entry device; and

if a signal is received from the command entry device after the application has been executed, determining whether the executed application operating in the screen saver mode is an interactive application; and

if the executed application is an interactive program, terminating the screen saver program, and

executing the interactive program in a full application mode.

35. (Previously Presented) The apparatus of claim 8, wherein,
the processor is configured to execute the application in a full application mode in response to user selection of the application; and

the processor is configured to add an application handle to the carousel in response to user selection of a screen saver mode option presented by the application while in full application mode.

36. (Previously Presented) The wireless communication device of claim 20, wherein the at least one application includes one or more screen saver mode options selectable by a user when operating the at least one application in a full application mode, the screen saver mode options including a level of functionality that is less than the functionality of the full application mode.

37. (Previously Presented) The method of claim 24 wherein the method further comprises:

executing the application in a full application mode in response to user selection of the application; and

adding an application handle to the screen saver carousel in response to user selection of a screen saver mode option presented by the application while in full application mode.

The wireless communication device of claim 20, wherein the at least one application includes one or more screen saver mode options selectable by a user when operating the at least one application in a full application mode, the screen saver mode options

including a level of functionality that is less than the functionality of the full application mode.

37. (Previously Presented) The method of claim 24 wherein the method further comprises:

executing the application in a full application mode in response to user selection of the application; and

adding an application handle to the screen saver carousel in response to user selection of a screen saver mode option presented by the application while in full application mode.

1-4. (Canceled)

7. (Canceled)

12-16. (Canceled)

19. (Canceled)

29-34. (Canceled)

38-39. (Canceled)

Evidence Appendix

None.

Related Proceedings Appendix

None.